

**RESOLUTION NO. 2001-77**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT MODIFICATION, DEVELOPMENT REVIEW PERMIT, AND PLANNED UNIT DEVELOPMENT PERMIT & STRUCTURE DEVELOPMENT PERMIT TO REMODEL AND EXPAND ENROLLMENT AT SANTA FE CHRISTIAN SCHOOL ON PROPERTY LOCATED AT 838 ACADEMY DRIVE**

**APPLICANT: SANTA FE CHRISTIAN SCHOOL  
CASE NO.: 17-00-08 CUP, DRP, PUD & SDP**

**WHEREAS**, Santa Fe Christian School (hereinafter referred to as "Applicant") has requested issuance of a Conditional Use Permit Modification, Development Review Permit, Structure Development Permit and Planned Development Permit, pursuant to Chapter 17, Zoning, of the Solana Beach Municipal Code; and

**WHEREAS**, on May 15, 2001, June 19, 2001, and August 21, 2001 the City Council of the City of Solana Beach held a duly noticed public hearing to consider the above referenced project; and

**WHEREAS**, at the hearings the City Council received and considered evidence concerning the proposed application; and

**WHEREAS**, the public hearing was conducted pursuant to the provisions of Chapter 17 of the Solana Beach Municipal Code, and

**WHEREAS**, the View Assessment Structure Development Permit procedure as contained in Chapter 17.62, View Assessment, of the SBMC is deemed satisfied and no further on-site View Assessment for the project is required unless the project is modified, and

**WHEREAS**, the City Council of the City of Solana Beach has considered, and on August 21, 2001 by separate Resolution, certified the Final Environmental Impact Report and supporting environmental documents for the application, and

**WHEREAS**, this decision is based upon the evidence presented at the hearings, the Site Plan, and any information the City Council gathered by viewing the site and the area, and other facts, as disclosed at the hearing.

**NOW THEREFORE**, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the foregoing recitations are true and correct.
2. That the previously prepared and certified Environmental Impact Report dated March 2001 satisfies the requirements of the California Environmental Quality Act for this project.

3. That the request for a Conditional Use Permit Modification, Development Review Permit, and Planned Development Permit filed March 15, 2000, with Plans dated December 15, 1999, as further modified per the August 13, 2001 plans presented to the City Council on August 21, 2001, and on file with the Community Development Department is conditionally approved based upon the following Findings and subject to the following Conditions.

**4. FINDINGS.**

- A. Conditional Use Permit: In accordance with Section 17.68.010 F. of the Zoning Ordinance of the Solana Beach Municipal Code, the City Council finds the following:
  - I. That the Conditional Use Permit modification is in accord with the General Plan because the development of an educational facility is recognized in the General Plan by objective and policy. The educational use is permitted in the MHR zone through the issuance of a Conditional Use Permit. The project is consistent with the intent of the Solana Beach Zoning Ordinance, which is to separate incompatible uses and maintain the public health, safety, and welfare. The school improvements, and phased increased enrollment will be compatible with the surrounding medium high-density residential developments and commercial uses in the vicinity with the application of appropriate conditions of approval.
  - II. That the use proposed by the Conditional Use Permit Modification will not have an adverse affect on and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity as any potentially significant environmental impacts will be mitigated to a level of insignificance which is verified by the EIR prepared for this project, and also to which additional conditions have been established as 'conditions of approval' for the request.
  - III. That the Conditional Use Permit Modification is in accordance with the provisions of the Solana Beach Zoning Ordinance including, but not limited to, setbacks, floor area ratio, and parking regulations. The proposal is consistent with all standards of development for an educational use excepting that of the height of the Performing Arts Center which height has been allowed to be increased to 45 feet, through a Planned Development permit. Those findings are contained in the following Section C.
- B. Development Review Permits: In accordance with Section 17.68.040 H. of the Solana Beach Zoning Ordinance, the Council finds the following:
  - I. The development is consistent with the Medium High Residential land use designation and zoning ordinance as the use is allowed through the issuance of a use permit, and the school has applied for several over the past years which have been conditionally approved. The development is consistent with applicable other requirements of the General Plan and conforms to all requirements of the development regulations for the MHR zone including parking, setbacks, floor area ratio, and other requirements of the Zoning Ordinance

excepting for height limitations that restrict the height of civic structures in the MHR zone to a maximum of 35 feet. However these height limits may be modified through the Planned Development permit process that allows deviations from certain development standards under expressed circumstances and have been found to exist for this proposal as discussed in the following Section C.

- II. The development complies with the development review criteria set forth in Section 17.68.040 F of the Solana Beach Zoning Ordinance (Development Review Criteria) as follows: the proposed project is compatible with and complementary to existing and proposed development in the immediate project vicinity as permitted within the Medium High Residential zone because the use is allowed through the issuance of a Use Permit; the application request and the majority of the buildings are similar in height and bulk to adjacent surrounding commercial development in the Commercial zone to the west and/or north; the buildings and structures are designed and situated in a manner that visually enhances the surrounding area through the removal and replacement of older motel structures with well-designed, purpose-designed educational structures and will minimize the potential for view impairment from neighboring properties because the height of the Performing Arts Center building has been lowered and is desirable to achieve the goals of the project; landscaping and plantings will not obstruct significant views when installed, as Eucalyptus trees will not be allowed to be planted on the property for the benefit of neighboring properties; the quantity and extent of the grading proposed is sufficient to allow the property owner the reasonable economic use of the site and allow development of proper educational facilities, and where otherwise feasible is planned and executed so as to blend with the existing terrain both on and adjacent to the site and; all new exterior lighting fixtures shall be in conformance with the City-wide Lighting Regulations of the Zoning Ordinance (Section 17.60.060 B) with no sports field night lighting allowed.
  - III. All required permits, including the Use Permit, Planned Unit Development and Structure Development Permit are subsumed into this Development Review Permit process, and have been obtained concurrently with the Development Review Permit. Other permits will be obtained as required as conditions of this resolution or by applicable regulations.
- C. Planned Development: In accordance with Section 17.68.060 G. of the Solana Beach Zoning Ordinance, the Council finds the following:
- I. The proposed planned unit development conforms to the General Plan in terms of general location, density and general standards of development. While the General Plan designates the site Medium High Residential, such designation recognizes the existing school and its operation. The General Plan provides only minimum individual development standards but does establish general standards regarding traffic and public facility availability. With the implementation of appropriate conditions of approval, the project will be consistent with all applicable requirements of the General Plan.

- II. The development of a harmonious, integrated project in accordance with a precise development plan justifies exceptions, to the normal requirements of this title. For the school to be able to provide a full range of educational opportunities and activities certain educational structures and uses must be given some leeway from the stricter height limitations of the residential zone in which the project site is located. Additionally, the site has an uneven topography and designing the structures consistent with that topography results in a project both integrated into the site and with its varying educational offerings and uses.

## **5. CONDITIONS.**

Prior to obtaining any building permits or other permits pursuant to this Development Review Permit and Structure Development Permit or prior to commencement of construction or use of the property in reliance on this permit, the Applicant shall complete the following conditions:

- A. All conditions stated in Solana Beach City Council Resolutions 96-23 and 98-87 for this property are still applicable unless specifically modified by this resolution. Conditions contained in Resolutions 93-30, 94-27, and 95-62 were superceded in 1996 by Resolution 96-23.
- B. Submit the final development plan, incorporating all the requirements of the approval, to the Department of Community Development for signature. The final development plan shall be in substantial conformance with the development plan received by the Planning Department dated December 15, 1999, as revised on the plans dated August 13, 2001, lowering the height of the Performing Arts Center to a maximum of 45 feet, and presented to the City Council on August 21, 2001, as modified by the conditions of approval contained herein, and those mitigation measures identified in the resolution certifying the EIR prepared on the request. The plans shall show the Performing Arts Center not exceeding a maximum height of 45 feet.
- C. Submit a landscape plan reflecting both existing and proposed landscaping. As proposed by the Applicant and accepted by the City, Eucalyptus trees shall not be planted.
- D. Pay appropriate Public Facilities Fees, as established by SBMC Section 17.72.020 and Resolution 87-36.
- E. No roof appurtenances such as air conditioning units, chimneys, mechanical equipment, etc. shall be visible. Any Uniform Building, Plumbing, or Mechanical Code required venting, however, may not exceed the minimum height or size requirements.

- F. All trash receptacle areas must be designed to accommodate the separation of recyclable materials. A solid wall or fence with a minimum height of four feet or the height of the refuse container, whichever is greater, must screen trash and recyclable material containers. (SBMC Section 17.24.030 E)
- G. Obtain required California Coastal Commission permits prior to the issuance of any grading or building permits.
- H. Prior to framing inspection, the location and height of the framing for the structure shall be verified by a licensed land surveyor for conformance to the approved building plans.
- I. The Applicant shall comply with all regulations outlined in SBMC Section 17.24.030 F (External Effects). Said standards do not allow the emanation off-site of such effects including, but not limited to, air contaminants, odors, loud noises, glare, etc.
- J. No Sports Field night lighting shall be allowed. (This condition specifically supersedes previous approvals for 35-foot high sports field lighting.)
- K. The Applicant shall comply with those applicable regulations outlined in SBMC Section 17.60.060 (Exterior Lighting Regulations). Said standards minimize excessive light usage, require horizontal cutoffs, and establish off-site light trespass standards. Any allowed night lighting shall be constructed and utilized such that the adjacent southern properties are shielded from a direct lighting line of sight. This may be accomplished by shielding, the use of lower light fixtures, etc.
- L. All school operations and activities shall be consistent with all applicable requirements of Chapter 17.34 SBMC Chapter 17.34 (Noise Abatement and Control) regarding on site noise generation and off site effects. Said standards seek to minimize impacts from noise and noise sources to adjacent properties that may be deleterious to surrounding areas and the city in general. The Chapter establishes limits and standards of specific noise types and sources, and enforcement measures to insure adherence to the standards.
- M. The Applicant must separately apply for and obtain sign permits for all signage proposed for the property. All proposed signage must comply with SBMC Section 17.64.
- N. Proper dust control measures shall be utilized as necessary by the Applicant, such as watering down the site operations and periodic washing of the street adjacent to the site during construction to reduce the impact of construction activities on neighboring properties.

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- O. Construction equipment shall only be operated on Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m. and on Saturdays between the hours of 8:00 a.m. and 7:00 p.m. Additional restrictions are specified in SBMC Section 7.34.100.
- P. All of the conditions of this Development Review Permit, Conditional Use Permit, and Structure Development Permit are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time may result in the revocation of the permits granted for the expanded use of the property.
- Q. As proposed by the Applicant and accepted by the City, construction equipment shall not use Lomas Santa Fe Drive. The Applicant is required to notify all prime and subcontractors.
- R. The Applicant shall insure that the Performing Arts Center is maintained and used exclusively as a related educational use solely for Santa Fe Christian School educational uses. Upon completion of the Performing Arts Center, the Council may reconsider this condition.
- S. As volunteered by the Applicant and agreed to by the City, no signage, emblems, or other decorations shall be placed on the performing arts center building. However, pursuant to SBMC, Chapter 17.64, the following types of signs are exempted from this condition:
  - i. Directional, warning, traffic control, informational or temporary special event signs required or authorized by law erected, installed or placed by or on behalf of any federal state, county or city government, or
  - ii. Signs not visible from off-site of the property.
- T. As proposed by the Applicant and accepted by the City, the Applicant shall at least semi-annually clean out the storm drain filters.
- U. An improved drop-off/pick-up program for students shall be implemented or drop-off/pick-up shall be provided entirely onsite with the completion of Phase I.
- V. As proposed by the Applicant and accepted by the City, during Phase II, the Applicant shall eliminate the existing wireless communication tower by integrating said facilities into the proposed new construction, or offsite. Architecturally, integrating existing wireless communication facilities, either onsite or offsite, does not require further discretionary review.
- W. As volunteered by the Applicant and accepted by the City, the Applicant is required to pursue and implement a transportation plan to further reduce traffic, including coordinating hours of operation in light of nearby schools, regardless of the timing of student enrollment increases.

**Fire Department Requirements**

- X. Pay Fire Mitigation Fees based on gross square footage and type of construction.
- Y. Pay Fire plan review fees based on current schedule.
- Z. Fire access requirement. Fire lane must be a minimum 20 feet in width, 13 feet 6 inches vertical clearance, including any proposed landscaping. Fire lane shall be designed and maintained to support load of fire apparatus and shall be provided with an approved paved surface so as to provide all weather driving capabilities.
- AA. The first lift of asphalt shall be laid prior to combustibles being brought to the building site.
- BB. Fire lane marking and/or signage must be installed.
- CC. Know installation required allowing fire department access.
- DD. A fire sprinkler system meeting requirements of NFPA Standard #13 and local amendments must protect the project. Sprinkler system required in library building.
- EE. Project must have a fire alarm installed according to NFPA Standard #72
- FF. All plans for any fire alarm, fire sprinkler system, fixed extinguishing system shall be submitted to the Fire Department for approval prior to installation.
- GG. During formal review of any building plans additional Fire Department requirements may be imposed.

**Engineering Department conditions of approval:**

- HH. All conditions stated in Solana Beach City Council Resolutions 96-23 and 98-87 for this property that have not been met are still applicable.
- II. Notwithstanding other requirements, the student enrollment may increase by 90 students, to a maximum of 840 students, after the Valley Avenue from Castro Street to Eden Gardens Approach sewer main is constructed. Additional increases in student enrollment will not be allowed until adequate City of Solana Beach sewer conveyance and pumping facilities are available to accommodate the increased enrollment. Planned sewer upgrades are described in the Sanitary Sewer Master Plan dated May 2001. In the event the City were to undertake the design and construction of the said sewer line prior to the beginning of June 30th, 2002, the Applicant has agreed to fund the incremental cost to the City to expedite the project. Such funding is for the City to hire an outside Project Manager to oversee the project to its completion.

- JJ. Prior to the I-5 and Lomas Santa Fe Interchange improvements, and after other traffic and sewer mitigation measures are implemented, student enrollment may increase by 90 students to a maximum of 840 students. Before student enrollment can increase up to 90 above the present level of 750, as agreed to by the Applicant, the Applicant shall submit a written traffic/transportation plan that demonstrates that all traffic generated by up to 90 students has been mitigated to a zero impact, including traffic associated with any increased support staff, deliveries, etc. No further increase above the 90 additional student enrollment will be allowed until the traffic mitigation measures identified in the Environmental Impact Report or the Resolution approving the Environmental Impact Report have been met.
- KK. The Applicant shall contribute \$8,052.00 to the future improvement of the intersection ramps at both the northbound and southbound movements to and from Interstate 5 and Lomas Santa Fe Drive. The contribution is based on an amount of \$33.55/ADT that was assigned to the San Simeon project in 1997, and as conditioned in the San Simeon Resolution 97-25 and other subsequent resolutions. The ADT count is 240 for the 90-student increase at a rate of 2.67 trips per student according to the Applicant's traffic study.
- LL. The Applicant shall not oppose the City forming a Storm Drain Utility District that abuts the property along Stevens Creek from a San Rodolfo Drive to the 22<sup>nd</sup> Agricultural District Stevens Creek Outfall.
- MM. Prior to exporting of any materials from the site such as excavated soil and demolition debris, etc., a haul permit shall be applied for and issued by the City of Solana Beach Engineering Department. The haul route shall be approved by the City Engineer and shall not include the Lomas Santa Fe Drive/Interstate-5 Interchange or residential streets. Hauling times are limited to non-peak traffic hours, which are defined as between 9:00 a.m. and 2:00 p.m. Monday through Friday.

**Prior to issuance of a Building Permit for any building identified in the Master Plan:**

- NN. Obtain grading permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. Conditions prior to the issuance of a grading permit shall include, but not limited to the following:
  - i. The grading plan shall be prepared by a registered engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.
  - ii. The grading plans shall include detailed dust and emission control specifications for the grading operation. The plans shall include, but not be limited to, the measures outlined in the certified Environmental Impact Report and required by the SBMC for reduction of dust and emissions to the satisfaction of the City Engineer.



- iii. A soils report prepared by a registered soil engineer and approved by the City Engineer. A comprehensive soils and geologic investigation shall be conducted of the soils, slopes and formations of the project. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The grading plan shall incorporate all recommendations contained in the soils report.
- iv. All retaining walls shall be shown. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check.
- v. Cross sections of all proposed buildings and parking shall be provided.
- vi. Show all proposed on-site and off-site private drainage facilities intended to handle water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The drainage study shall account for any paved and unpaved areas. The construction of all drainage structures shall comply with: Standard Specifications for Public Works Construction and the San Diego Regional Standard Drawings; California Regional Water Quality Control Board, San Diego Region, Order No. 2001-01, Waste Discharge Requirements; Chapter 13.10 of the SBMC; and the approval of the City Engineer.
- vii. The Applicant shall demonstrate to the satisfaction of the City Engineer that the post-development peak storm water runoff discharge rates do not increase from the existing condition. City Engineer approved post construction Best Management Practices (BMP's) are required to control runoff rates and to minimize storm water pollutants from the school site.
- viii. All proposed runoff must be collected and discharged to a facility approved by the City Engineer. The drainage areas shall not flow over any sidewalk.
- ix. Slopes within the public right-of-way cannot be steeper than a 2:1 ratio.
- x. Obtain and submit grading security in a form prescribed by the City of Solana Beach Municipal Code grading ordinance.
- xi. All areas to receive new paving shall be shown.
- xii. Pay grading plan check fee in accordance with the current Engineering Fee Schedule and prior to approval of grading plans. Inspection fees shall be paid prior to issuance of the grading permit.
- xiii. Submit a copy of the Coastal Development Permit (or waiver) from the California Coastal Commission.

- xiv. An Erosion Control Plan shall be prepared providing adequate erosion control devices during and at the completion of the grading. This shall include, but not be limited to, landscaping and temporary irrigation systems on exposed slopes to be approved by the Engineering Department.
- xv. Letters of permission to grade shall be obtained from adjoining property owners for grading that is within three feet of the property line.
- OO. Submit a building pad certification statement from the engineer of work, licensed to practice Land Surveying in California, and the soils engineer per SBMC 15.40.200 for each proposed building.
- PP. The design of the parking areas shall conform to the City of Solana Beach Off-Street Parking Design Manual.
- QQ. The sewer service charge for the school shall be re-evaluated and possibly reassigned additional equivalent dwelling units (EDU). The Applicant shall provide any documentation necessary for sewer fees calculation requested by the City Engineering Department. If necessary the Applicant shall pay in full, at the time of issuing a permit, the current annual sewer charge for the remainder of the fiscal year. Also, if necessary the Applicant shall pay in full the current one time sewer capacity/connection fee, currently \$4,500 per EDU.
- RR. Obtain an Encroachment permit in accordance with Chapter 11.20 of the Solana Beach Municipal Code prior to any work within the public right-of way.

**Prior to occupancy:**

- SS. The Applicant shall underground all existing off-site overhead utilities that serve only the school. Existing onsite overhead facilities shall also be undergrounded.
- TT. Underground all new utility services, including but not limited to electrical and telephone.
- UU. Submit certification from a registered civil engineer that all public and/or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans.
- VV. Landscape plans shall be submitted to the Engineering Department for review and approval. No planting shall occur until the City Engineer approves said plans.

- WW. Trash receptacles shall be placed and maintained at the primary access points to and from the school used by pedestrians. Santa Fe Christian School shall service the trash receptacles as needed.
- XX. The Applicant shall fund the placement of an additional speed limit sign on eastbound Academy Drive to the satisfaction of the City Engineer.
- YY. The Applicant shall fund the painting of a properly sized red curb in front of the fire hydrant at the southeast intersection of Mola Vista and Academy Drive to the satisfaction of the City Engineer.
- ZZ. Complete to the satisfaction of the City Engineer all grading, paving, public improvements, landscaping, and drainage improvements.
- AAA. Comply with all applicable sections of the City of Solana Beach Municipal Code and Engineering Standards.
- BBB. The use of the various components of the school (gymnasium, sports fields, auditoriums, etc.) shall be scheduled so as to not exceed on-site parking spaces.
- CCC. Condition C.III on page 6 of Resolution No. 96-23 is modified to also exempt the announcement of the pick-up of children as well as players and plays at athletic events using loudspeakers or sound amplification systems.
- 6. EXPIRATION:** The Conditional Use Permit Modification, Development Review Permit and Planned Development Permit for the project will expire on August 21, 2004 unless the Applicant has obtained necessary approvals and building permits and has commenced construction of all structures and applicable public improvements required to expand the enrollment of the school from 750 students to 840 students. As any allowances for further development or expansion beyond 840 students is predicated upon completion of a major public works project requiring improvement to the Lomas Santa Fe/Interstate 5 interchange, the Applicant shall obtain all necessary permits to expand enrollment from 840 students to 1,200 students and begin construction within two years of the completion and acceptance of the planned interchange improvements, and diligently pursue construction to completion. An extension of the Permit may be granted by the City Council, if such a request is submitted in a timely fashion.
- 7. INDEMNIFICATION AGREEMENT:** The Applicant shall enter into an Indemnification Agreement with the City whereby the Applicants agree to bear the costs associated with defending the project approvals in court. If the City chooses to hire its own attorneys, then the City must pay its own costs.

8. **NOTICE TO APPLICANT:** Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other executions described in this resolution commences on the effective date of this resolution. To protest the imposition of any fees, dedications, reservations or other exaction's described in this resolution you must comply with the provisions of Government Code Section 66020. Generally the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Ordinance.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California, on the 21st day of August, 2001, by the following vote:

AYES: Councilmembers - CAMPBELL, SMERICAN, GOLICH, KELLEJIAN, SHERES


NOES: Councilmembers - NONE

ABSTAIN: Councilmembers - NONE

ABSENT: Councilmembers - NONE

  
THOMAS M. CAMPBELL, Mayor

ATTEST:

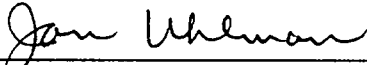
  
JAN UHLMAN, Deputy City Clerk

APPROVED AS TO FORM:

  
CELIA A. BREWER, City Attorney

STATE OF CALIFORNIA           )  
COUNTY OF SAN DIEGO        )  
CITY OF SOLANA BEACH        )       ss.

I, JAN UHLMAN, Deputy City Clerk of the City of Solana Beach, DO  
HEREBY CERTIFY that the foregoing City Council Resolution No. 2001-77 was  
duly passed and adopted at a Regular Solana Beach City Council meeting held  
on the 21st day of August, 2001, said adoption was affirmed at a Regular Solana  
Beach City Council meeting held September 4, 2001, and is the original on file in  
the City Clerk's Office.

  
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Jan Uhlman  
Deputy City Clerk

(SEAL)